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8 Los Angeles, California 90017-3012
9 Telephone: (213) 624-6900
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11 Attorneys for Defendants COSTCO
12 WHOLESALE CORPORATION AND
13 THAD KLESZCZ

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

16 CECILIA LOPEZ, an individual,
17
18 Plaintiff,

19 v.

20 COSTCO WHOLESALE
21 CORPORATION, THAD KLESZCZ.
22 and DOES 1 through 50, inclusive,
23
24 Defendants.

Case No.

(State Court Case No. 22STCV14147)

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §
1441(b) (DIVERSITY):
DECLARATION OF JOSEPH A.
GORDON**

25 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

26 PLEASE TAKE NOTICE that defendant COSTCO WHOLESALE
27 CORPORATION (hereinafter, "Costco") hereby removes to this Court the state
28 court action described below.

1. On April 28, 2022, an action was commenced in the Superior Court of
the State of California in and for the County of Los Angeles, entitled CECILIA
LOPEZ, PLAINTIFF, V. COSTCO WHOLESALE CORPORATION, THAD
KLESZCZ, and DOES 1 to 50, DEFENDANTS, as Case Number 22STCV14147
(the "Action"). A true and correct copy of the Complaint is attached hereto as

1 Exhibit "A."

2 2. Costco accepted service of said Complaint on May 10, 2022. A true
3 and correct copy of the Service of Process Transmittal is attached hereto as Exhibit
4 "B."

5 3. Defendant Thad Kleszcz accepted service of said Complaint on June 7,
6 2022.

7 4. Costco answered said Complaint on June 8, 2022. A true and correct
8 copy of the Conformed Answer is attached hereto as Exhibit "C."

9 4. Costco is informed and believes that Plaintiff was, at the time she filed
10 the Action, and still is a citizen of the State of California.

11 5. Aggregating all of the damages that Plaintiff seeks, the amount in
12 controversy exceeds the jurisdictional minimum of \$75,000. The amount in
13 controversy exceeds \$75,000 based on Plaintiff's pre-suit settlement demand of
14 \$169,180.00. Please see the true and correct copy of the Plaintiff's pre-suite
15 settlement demand attached hereto as Exhibit "D."

16 6. This removal is filed within thirty (30) days of service of Plaintiff's
17 Complaint.

18 7. This action is a civil action of which this Court has original jurisdiction
19 under 28 U.S.C. §1332, and is one which may be removed to this Court by
20 defendant pursuant to the provisions of 28 U.S.C. §1441(a) in that it is a civil action
21 between citizens of different states and the matter in controversy exceeds the sum of
22 \$75,000, exclusive of interest and costs.

23 8. COSTCO WHOLESALE CORPORATION was, at the time of the
24 filing of this action, and still is, a citizen of the State of Washington, incorporated
25 under the laws of the State of Washington, with its principal place of business in the
26 State of Washington. Both the California Secretary of State and Washington
27 Secretary of State identify COSTCO WHOLESALE CORPORATION as a
28 Washington Corporation. COSTCO WHOLESALE CORPORATION's principle

address is 999 Lake Drive, Issaquah, Washington 98027. True and correct copies of search results for COSTCO WHOLESALE CORPORATION on those websites are attached hereto as Exhibit "E."

9. Defendant COSTCO WHOLESALE CORPORATION contends that Defendant THAD KLESZCZ was only served here as a sham defendant for the purposes of defeating removal. Under established Ninth Circuit jurisprudence, "a non-diverse defendant is deemed a sham defendant if, after all disputed questions of fact and all ambiguities in the controlling state law are resolved in the plaintiff's favor, the plaintiff could not possibly recover against the party whose joinder is in question." Padilla v. AT&T Corp., 697 F.Supp.2d 1156, 1158 (C.D. Cal. 2009). Where a non-diverse defendant is merely a sham defendant, removal is proper. See Caterpillar, Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, for example, where a plaintiff included a non-diverse insurance agent, acting within the scope of a disclosed agency, as a defendant, the Court denied the plaintiff's motion for remand because the insurance agent was merely a sham defendant. Good v. Prudential Ins. Co. of Am., 5 F.Supp.2d 804, 807 (N.D. Cal. 1998).

10. Moreover, in actions such as this, there is no independent liability for a manager in the position of Defendant THAD KLESZCZ. Under established California law, absent a special relationship, "there can be no individual liability to third parties for negligent hiring, retention or supervision of a fellow employee." C.A. v. William S. Hart Union High School Dist., 53 Cal.4th 861, 877 (Cal. 2012); see also de Villers v. County of San Diego, 156 Cal.App.4th 238 (Cal. Ct. App. 2007) (co-employee not personally liable for negligent supervision due to lack of duty owed to third party).

11. While a landowner may owe a special relationship with an invitee, such that it is obligated to exercise reasonable care to make its property reasonably safe, see e.g., Howard v. Omni Hotels Management Corp., 136 Cal.Rptr.3d 739, 761 (Cal. Ct. App. 2012), an employee of the landowner owes no such duty. See, e.g.,

1 Thornburg v. Superior Court, 138 Cal.App.4th 43, 52 (Cal. Ct. App. 2006) (“When
 2 agents and employees are acting in their official capacities on behalf of their
 3 principals and not as individuals for their own advantage, their acts are generally
 4 privileged and do not give rise to liability in tort or under statutes which impose
 5 duties on their principals”). Consequently, in Oppenheimer v. Robinson, 150
 6 Cal.App.2d 420 (Cal. Ct. App. 1957), the Court held that a mere employee of an
 7 employer could not be held personally liable for the nonpayment of wages by the
 8 employer to a fellow employee. *Id.* at p. 424. Similarly, in Oppenheimer v. General
 9 Cable Corp., 143 Cal.App.2d 293 (Cal. Ct. App. 1956), the Court held that a breach
 10 of contract claim brought by a terminated employee cannot justify personal liability
 11 against another employee acting in their official capacity. *Id.* at p. 296. The
 12 common thread running through these cases is that the duty owed by an individual
 13 employee in carrying out the duties of her employment run to her employer, and
 14 personal liability to a third party cannot arise as to the employee for the failure to
 15 perform such a duty. See Mears v. Crocker First Nat’l Bank, 97 Cal.App.2d 482,
 16 485 (Cal. Ct. App. 1950) [“The agent or officer owes his duty only to the company,
 17 his principal, not to the individual stockholder”].

18 12. This Notice of Removal is filed with this Court within 30 days after
 19 service of Plaintiff's Complaint. This removal is timely as required by 28 U.S.C.
 20 §1446(b) which specifically provides, “If the case stated by the initial pleading is
 21 not removable, a notice of removal may be filed within thirty days after receipt by
 22 the defendant, through service or otherwise, of a copy of an amended pleading,
 23 motion, order or other paper from which it may first be ascertained that the case is
 24 one which is or has become removable, except that a case may not be removed on
 25 the basis of jurisdiction conferred by section 1332 of this title more than 1 year after
 26 commencement of the action.” 28 U.S.C. § 1446 (b).

27 13. Pursuant to 28 U.S.C. §1446(a), true and correct copies of all process,
 28 pleadings, and orders sent to and received by Costco in the State Court action are

1 attached hereto as Exhibit "F."

2
3 DATED: June 9, 2022

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

4
5
6 By: 

7 Eugene J. Egan
8 Joseph A. Gordon
9 Attorneys for Defendants COSTCO
10 WHOLESALE CORPORATION AND
11 THAD KLESZCZ
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MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

DECLARATION OF JOSEPH A. GORDON

I, JOSEPH A. GORDON, declare as follows:

1. I am an attorney at law duly licensed to practice in the courts of the State of California and am an associate in the firm of Manning & Kass, Ellrod, Ramirez, Trester LLP, attorneys of record for defendants COSTCO WHOLESALE CORPORATION and THAD KLEZCZ (hereinafter "Defendants.") I have personal knowledge of the matters stated herein and, if called upon to testify as a witness, I could and would competently so testify.

2. On April 28, 2022, an action was commenced in the Superior Court of the State of California in and for the County of Los Angeles, entitled Gloria Saucedo, Plaintiff vs. COSTCO WHOLESALE CORPORATION (erroneously identified as Costco Wholesale Membership, and DOES 1 to 100 inclusive, Defendants, as Case Number 20STCV38056 (the "Action"). A true and correct copy of the Complaint is attached hereto as Exhibit "A."

3. Costco accepted service of said Complaint on May 10, 2022. A true and correct copy of the Service of Process Transmittal is attached hereto as Exhibit "B."

4. Defendant Thad Kleszcz accepted service of said Complaint on June 7, 2022.

5. Costco answered said Complaint on June 8, 2022. A true and correct copy of the Conformed Answer is attached hereto as Exhibit "C."

6. Costco is informed and believes that Plaintiff was, at the time she filed the Action, and still is a citizen of the State of California.

7. Aggregating all of the damages that Plaintiff seeks, the amount in controversy exceeds the jurisdictional minimum of \$75,000. The amount in controversy exceeds \$75,000 based on Plaintiff's pre-suit settlement demand of \$169,180.00. Please see the true and correct copy of the Plaintiff's pre-suit settlement demand attached hereto as Exhibit "D."

8. This removal is filed within thirty (30) days of service of Plaintiff's Complaint.

9. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441(a) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

10. COSTCO WHOLESALE CORPORATION was, at the time of the filing of this action, and still is, a citizen of the State of Washington, incorporated under the laws of the State of Washington, with its principal place of business in the State of Washington. Both the California Secretary of State and Washington Secretary of State identify COSTCO WHOLESALE CORPORATION as a Washington Corporation. COSTCO WHOLESALE CORPORATION's principle address is 999 Lake Drive, Issaquah, Washington 98027. True and correct copies of search results for COSTCO WHOLESALE CORPORATION on those websites are attached hereto as Exhibit "E."

11. Defendant COSTCO WHOLESALE CORPORATION contends that Defendant THAD KLESZCZ was only served here as a sham defendant for the purposes of defeating removal. Under established Ninth Circuit jurisprudence, "a non-diverse defendant is deemed a sham defendant if, after all disputed questions of fact and all ambiguities in the controlling state law are resolved in the plaintiff's favor, the plaintiff could not possibly recover against the party whose joinder is in question." Padilla v. AT&T Corp., 697 F.Supp.2d 1156, 1158 (C.D. Cal. 2009). Where a non-diverse defendant is merely a sham defendant, removal is proper. See Caterpillar, Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, for example, where a plaintiff included a non-diverse insurance agent, acting within the scope of a disclosed agency, as a defendant, the Court denied the plaintiff's motion for remand because the insurance agent was merely a sham defendant. Good v. Prudential Ins.

1 Co. of Am., 5 F.Supp.2d 804, 807 (N.D. Cal. 1998).

2 12. Moreover, in actions such as this, there is no independent liability for a
3 manager in the position of Defendant THAD KLESZCZ. Under established
4 California law, absent a special relationship, “there can be no individual liability to
5 third parties for negligent hiring, retention or supervision of a fellow employee.”
6 C.A. v. William S. Hart Union High School Dist., 53 Cal.4th 861, 877 (Cal. 2012);
7 see also de Villers v. County of San Diego, 156 Cal.App.4th 238 (Cal. Ct. App.
8 2007) (co-employee not personally liable for negligent supervision due to lack of
9 duty owed to third party).

10 13. While a landowner may owe a special relationship with an invitee, such
11 that it is obligated to exercise reasonable care to make its property reasonably safe,
12 see e.g., Howard v. Omni Hotels Management Corp., 136 Cal.Rptr.3d 739, 761 (Cal.
13 Ct. App. 2012), an employee of the landowner owes no such duty. See, e.g.,
14 Thornburg v. Superior Court, 138 Cal.App.4th 43, 52 (Cal. Ct. App. 2006) (“When
15 agents and employees are acting in their official capacities on behalf of their
16 principals and not as individuals for their own advantage, their acts are generally
17 privileged and do not give rise to liability in tort or under statutes which impose
18 duties on their principals”). Consequently, in Oppenheimer v. Robinson, 150
19 Cal.App.2d 420 (Cal. Ct. App. 1957), the Court held that a mere employee of an
20 employer could not be held personally liable for the nonpayment of wages by the
21 employer to a fellow employee. *Id.* at p. 424. Similarly, in Oppenheimer v. General
22 Cable Corp., 143 Cal.App.2d 293 (Cal. Ct. App. 1956), the Court held that a breach
23 of contract claim brought by a terminated employee cannot justify personal liability
24 against another employee acting in their official capacity. *Id.* at p. 296. The
25 common thread running through these cases is that the duty owed by an individual
26 employee in carrying out the duties of her employment run to her employer, and
27 personal liability to a third party cannot arise as to the employee for the failure to
28 perform such a duty. See Mears v. Crocker First Nat’l Bank, 97 Cal.App.2d 482,

1 485 (Cal. Ct. App. 1950) [“The agent or officer owes his duty only to the company,
2 his principal, not to the individual stockholder”].

3 14. This Notice of Removal is filed with this Court within 30 days after
4 service of Plaintiff's Complaint. This removal is timely as required by 28 U.S.C.
5 §1446(b) which specifically provides, “If the case stated by the initial pleading is
6 not removable, a notice of removal may be filed within thirty days after receipt by
7 the defendant, through service or otherwise, of a copy of an amended pleading,
8 motion, order or other paper from which it may first be ascertained that the case is
9 one which is or has become removable, except that a case may not be removed on
10 the basis of jurisdiction conferred by section 1332 of this title more than 1 year after
11 commencement of the action.” 28 U.S.C. § 1446 (b).

12 15. I declare under penalty of perjury under the laws of the State of
13 California that the foregoing is true and correct.

14 Executed this 4th day of November, 2020, at Los Angeles, California.

15
16 /s/ Joseph A. Gordon

17 Joseph A. Gordon, Declarant
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EXHIBIT A

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Costco Wholesale Corporation, Thad Kleszcz, and Does 1 to 50

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Cecilia Lopez

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Spring Street Courthouse
312 North Spring Street
Los Angeles CA 90012

CASE NUMBER:
(Número del Caso):

22STCV14147

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Alexander J. Zeeman, Esq. (SBN: 288341) Accident Fighters, APC (855) 646-4878

11145 Tampa Ave., Suite 4B Porter Ranch CA 91326

Sherri R. Carter Executive Officer / Clerk of Court

DATE:

(Fecha) 04/28/2022

Clerk, by

(Secretario) Y. Tarasyuk

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):



Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Daniel Crowley

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alexander J. Zeesman, Esq. (SBN: 288341) Accident Fighters, APC 11145 Tampa Ave., Suite 4B Porter Ranch CA 91326 TELEPHONE NO: (855) 646-4878 FAX NO. (Optional): (855) 450-0989 E-MAIL ADDRESS (Optional): contact@accidentfighters.com ATTORNEY FOR (Name): Plaintiff, Cecilia Lopez	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Spring Street Courthouse	
PLAINTIFF: Cecilia Lopez DEFENDANT: Costco Wholesale Corporation, Thad Kleszcz, and	
<input checked="" type="checkbox"/> DOES 1 TO <u>50</u> COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): General Negligence	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER: 22STCV14147

1. Plaintiff (name or names): Cecilia Lopez

alleges causes of action against defendant (name or names):

Costco Wholesale Corporation, Thad Kleszcz, and Does 1 to 50

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☐ other (specify):b. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☐ other (specify):☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.	CASE NUMBER:
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4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (name): **Costco Wholesale Corporation**
- (1) ☐ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- b. ☐ **except** defendant (name):
- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- c. ☐ **except** defendant (name):
- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- d. ☐ **except** defendant (name):
- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1-50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1-50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.	CASE NUMBER:
----------------------------------------------------------------------	--------------

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Past and future medical expenses; past and future wage loss and loss of earning capacity; past and future household services; past and future incidental expenses; and past and future pain and suffering.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

16. Demand for Jury Trial - Plaintiff hereby demand a trial by jury in all the aforementioned matters.

Date: 4/28/2022

Alexander J. Zeesman, Esq.

(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.	CASE NUMBER:
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FIRST

(number)

CAUSE OF ACTION—General Negligence

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): **Cecilia Lopez**

alleges that defendant (name): **Costco Wholesale Corporation, Thad Kleszcz, and**

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): **08/27/2020**

at (place): **2901 Los Feliz Blvd, Los Angeles, CA 90039**

(description of reasons for liability):

Defendants negligently, carelessly and recklessly maintained and operated their place of business and/or common areas as to cause Plaintiff to slip and fall. As a result, Plaintiff sustained physical injuries as alleged herein.

SHORT TITLE: — Lopez v. Costco Wholesale Corporation, et al.	CASE NUMBER:
-----------------------------------------------------------------	--------------

ATTACHMENT (Number): GN-1

(This Attachment may be used with any Judicial Council form.)

All Defendants

1. Defendants acted in a joint venture and/or enterprise, and/or in an employee-employer, agent-principal, or some other relationship which caused the injuries and damages alleged herein.
2. Defendants owned, managed, maintained, controlled, used, operated, supervised, inspected, and/or repaired the property involved in this incident, adjacent property, improvements, and/or fixtures thereon, and/or component parts thereof, in a negligent, careless, reckless, unlawful, defective, and/or dangerous manner which were used in a foreseeable manner involving unreasonable damages and/or risk not reasonably apparent, without adequate warning, which caused injuries and damages to Plaintiffs, and each of them, as alleged herein.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 5 of 6

(Add pages as required)

PLD-PI-001(4)

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.	CASE NUMBER:
----------------------------------------------------------------------	--------------

SECOND

CAUSE OF ACTION—Premises Liability

Page 6

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): **Cecilia Lopez**

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): **08/27/2020** plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff was walking in Defendants store when he slipped on a piece of fruit, causing him to fall and sustain serious bodily injuries.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
Costco Wholesale Corporation, Thad Kleszcz, and

☒ Does 1 to 50

Prem.L-3. ☒ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):
Costco Wholesale Corporation, Thad Kleszcz, and

☒ Does 1 to 50

Plaintiff, a recreational user, was ☒ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does _____ to _____

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☒ Does 1 to 50

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alexander J. Zeesman, Esq. (SBN: 288341) Accident Fighters, APC 11145 Tampa Ave., Suite 4B Porter Ranch CA 91326 TELEPHONE NO.: (855) 646-4878 FAX NO.: (855) 450-0989 ATTORNEY FOR (Name): Plaintiff, Cecilia Lopez		FOR COURT USE ONLY			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Spring Street Courthouse					
CASE NAME: Lopez v. Costco Wholesale Corporation, et al.					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;"> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width: 30%; padding: 5px;"> <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> <td style="width: 40%; padding: 5px;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> </tr> </table>			CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)			
JUDGE:		DEPT:			

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:
- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input checked="" type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **TWO**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 4/28/2022

Alexander J. Zeesman, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.	CASE NUMBER 22STCV14147
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/ Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input checked="" type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	✓ 1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07) <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08) <input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13) <input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16) <input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25) <input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35) <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36) <input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15) <input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance) <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09) <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18) <input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37) <input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14) <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
Real Property	Wrongful Eviction (33) <input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26) <input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer	
Unlawful Detainer-Commercial (31) <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11	
Unlawful Detainer-Residential (32) <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11	
Unlawful Detainer-Post-Foreclosure (34) <input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11	
Unlawful Detainer-Drugs (38) <input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11	

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05) <input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11) <input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02) <input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39) <input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03) <input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10) <input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40) <input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28) <input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30) <input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41) <input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20) <input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27) <input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42) <input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership Corporation Governance (21) <input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43) <input type="checkbox"/> A6121 Civil Harassment With Damages <input type="checkbox"/> A6123 Workplace Harassment With Damages <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case With Damages <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE: Lopez v. Costco Wholesale Corporation, et al.	CASE NUMBER
---------------------------------------------------------------	-------------

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input checked="" type="checkbox"/> 11.			ADDRESS: 2901 Los Feliz Blvd.		
CITY: Los Angeles	STATE: CA	ZIP CODE: 90039			

Step 5: Certification of Assignment: I certify that this case is properly filed in the CENTRAL District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: 4/28/2022


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	<small>Reserved for Clerk's File Stamp</small> FILED Superior Court of California County of Los Angeles 04/28/2022 <small>Sherri R. Carter, Executive Officer / Clerk of Court</small> By: <u>Y. Tarasyuk</u> Deputy
<small>COURTHOUSE ADDRESS:</small> Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	
Your case is assigned for all purposes to the judicial officer indicated below.	<small>CASE NUMBER:</small> 22STCV14147

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Daniel M. Crowley	28					

Given to the Plaintiff/Cross-Complainant/Attorney of Record
 on 04/28/2022
(Date)

Sherri R. Carter, Executive Officer / Clerk of Court
 By Y. Tarasyuk, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

FILED
Superior Court of California
County of Los Angeles

2020-SJ-002-00

FEB 24 2020

Sherri R. Calder, Executive Secretary/Clerk
By:  Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

IN RE PERSONAL INJURY) CASE NO.: 22STCV14147
COURT ("PI COURT") PROCEDURES)
SPRING STREET COURTHOUSE) FIRST AMENDED STANDING ORDER
(EFFECTIVE FEBRUARY 24, 2020)) RE: PERSONAL INJURY PROCEDURES
) AT THE SPRING STREET COURTHOUSE

**ALL HEARINGS ARE SET IN THE DEPARTMENT AS
REFLECTED IN THE NOTICE OF CASE ASSIGNMENT**

FINAL STATUS CONFERENCE:

DATE: 10/12/2023 AT 10:00 A.M.

TRIAL:

DATE: 10/26/2023 AT 8:30 A.M.

**OSC RE DISMISSAL
(CODE CIV. PROC., § 583.210):**

DATE: 04/24/2025 AT 8:30 A.M.

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

Pursuant to the California Code of Civil Procedure ("C.C.P."), the California Rules of Court ("C.R.C.") and the Los Angeles County Court Rules ("Local Rules"), the Los Angeles Superior Court ("LASC" or "Court") HEREBY AMENDS AND SUPERSEDES THE SEPTEMBER 26, 2019 STANDING ORDER AND, GENERALLY ORDERS AS FOLLOWS IN THIS AND ALL OTHER GENERAL JURISDICTION PERSONAL INJURY ("PI") ACTIONS FILED IN THE CENTRAL DISTRICT.

///

1. To ensure proper assignment to a PI Court, plaintiff(s) must carefully fill out the Civil Case Cover Sheet Addendum (form LACIV 109). The Court defines "personal injury" as: "an unlimited civil case described on the Civil Case Cover Sheet Addendum and Statement of Location (LACIV 109) as Motor Vehicle-Personal Injury/Property Damage/Wrongful Death; Personal Injury/Property Damage/Wrongful Death-Uninsured Motorist; Product Liability (other than asbestos or toxic/environmental); Medical Malpractice-Physicians & Surgeons; Other Professional Health Care Malpractice; Premises Liability; Intentional Bodily Injury/Property Damage/Wrongful Death; or Other Personal Injury/Property Damage/Wrongful Death. An action for intentional infliction of emotional distress, defamation, civil rights/discrimination, or malpractice (other than medical malpractice), is not included in this definition. An action for injury to real property is not included in this definition" (Local Rule 2.3(a)(1) (A)).

Consistent with Local Rule 2.3(a)(1)(A), the Court will assign a case to the PI Courts if plaintiff(s) checks any of the following boxes in the Civil Case Cover Sheet Addendum:

- ☐ A7100 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death
- ☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist
- ☐ A7260 Product Liability (not asbestos or toxic/environmental)
- ☐ A7210 Medical Malpractice – Physicians & Surgeons
- ☐ A7240 Medical Malpractice – Other Professional Health Care Malpractice
- ☐ A7250 Premises Liability (e.g., slip and fall)
- ☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism etc.)
- ☐ A7220 Other Personal Injury/Property Damage/Wrongful Death

The Court will not assign cases to the PI Courts if plaintiff(s) checks any boxes elsewhere in the Civil Case Cover Sheet Addendum (any boxes on pages two and three of that form).

The Court sets the above dates in this action in the PI Court as reflected in the Notice of Case Assignment at the Spring Street Courthouse, 312 North Spring Street, Los Angeles, CA

90012 (C.R.C. Rules 3.714(b)(3), 3.729).

FILING OF DOCUMENTS

2. With the exception of self-represented litigants or parties or attorneys that have obtained an exemption from mandatory electronic filing, parties must electronically file documents. Filings are no longer accepted via facsimile. The requirements for electronic filing are detailed in the Court's operative General Order Re Mandatory Electronic Filing for Civil, available online at www.lacourt.org (link on homepage).

SERVICE OF SUMMONS AND COMPLAINT

3. Plaintiff(s) shall serve the summons and complaint in this action upon defendant(s) as soon as possible but no later than three years from the date when the complaint is filed (C.C.P. § 583.210, subd. (a)). On the OSC re Dismissal date noted above, the PI Court will dismiss the action and/or all unserved parties unless the plaintiff(s) shows cause why the action or the unserved parties should not be dismissed (C.C.P. §§ 583.250; 581, subd. (b)(4)).

4. The Court sets the above trial and final status conference ("FSC") dates on the condition that plaintiff(s) effectuate service on defendant(s) of the summons and complaint within six months of filing the complaint.

5. The PI Court will dismiss the case without prejudice pursuant to Code of Civil Procedure § 581 when no party appears for trial.

STIPULATIONS TO CONTINUE TRIAL

6. Provided that all parties agree (and there is no violation of the "five-year rule" (C.C.P. § 583.310)), the parties may advance or continue any trial date in the PI Courts without showing good cause or articulating any reason or justification for the change. To continue or advance a trial date, the parties (or their counsel of record) should jointly execute and submit a Stipulation to Continue Trial, FSC and Related Motion/Discovery Dates (form LACIV CTRL-242, available on the court's website, Personal Injury Court link). The PI Courts schedule FSCs at 10:00 a.m., eight court days before the trial date. Parties seeking to continue the trial and FSC dates shall file the stipulation at least eight court days before the FSC date. Parties seeking to advance the trial and FSC dates shall file the stipulation at least eight court days before the proposed advanced

1 FSC date (C.C.P. § 595.2; Govt. Code § 70617, subd. (c)(2)). In selecting a new trial date,
2 parties should avoid setting on any Monday, or the Tuesday following a court holiday. Parties
3 may submit a maximum of two stipulations to continue trial, for a total continuance of six
4 months. Subsequent requests to continue trial will be granted upon a showing of good cause by
5 noticed motion. This rule is retroactive so that any previously granted stipulation to continue
6 trial will count toward the maximum number of allowed continuances.

7 **NO CASE MANAGEMENT CONFERENCES**

8 7. The PI Courts do not conduct case management conferences. The parties need not file a
9 Case Management Statement.

10 **LAW AND MOTION**

11 8. Any and all electronically-filed documents must be text searchable and bookmarked.
12 (See operative General Order re Mandatory Electronic Filing in Civil).

13 **COURTESY COPIES REQUIRED**

14 9. Pursuant to the operative General Order re Mandatory Electronic Filing, courtesy
15 copies of certain documents must be submitted directly to the PI Court courtrooms at the
16 Spring Street Courthouse. The PI Courts also strongly encourage the parties filing and
17 opposing lengthy motions, such as motions for summary judgment/adjudication, to submit one
18 or more three-ring binders organizing the courtesy copy behind tabs. Any courtesy copies of
19 documents with declarations and/or exhibits must be tabbed (C.R.C. Rule 3.1110(f)). All
20 deposition excerpts referenced in briefs must be marked on the transcripts attached as exhibits
21 (C.R.C. Rule 3.1116(c)).

22 **RESERVATION HEARING DATE**

23 10. Parties must reserve hearing dates for motions in the PI Courts using the Court
24 Reservation System (CRS) available online at www.lacourt.org (link on homepage). After
25 reserving a motion hearing date, the reservation requestor must submit the papers for filing with
26 the reservation receipt number printed on the face page of the document under the caption and
27 attach the reservation receipt as the last page. Parties or counsel who are unable to utilize the
28 online CRS may reserve a motion hearing date by calling the PI courtroom, Monday through

1 Friday, between 3:00 p.m. and 4:00 p.m.

2 **WITHDRAWAL OF MOTIONS**

3 11. California Rules of Court, Rule 3.1304(b) requires a moving party to notify the court
4 immediately if a matter will not be heard on the scheduled date. In keeping with that rule, the
5 PI Courts require parties to comply with Code of Civil Procedure section 472(a) with regard to
6 the amending of pleadings related to demurrers or motions to strike so that the PI Courts do not
7 needlessly prepare tentative rulings for these matters.

8 **DISCOVERY MOTIONS**

9 12. The purpose of an Informal Discovery Conference ("IDC") is to assist the parties to
10 resolve and/or narrow the scope of discovery disputes. Lead trial counsel on each side, or another
11 attorney with full authority to make binding agreements, must attend in person. The PI judges
12 have found that, in nearly every case, the parties amicably resolve disputes with the assistance
13 of the Court.

14 13. Parties must participate in an IDC before a Motion to Compel Further Responses to
15 Discovery will be heard unless the moving party submits evidence, by way of declaration, that
16 the opposing party has failed or refused to participate in an IDC. Scheduling or participating in
17 an IDC does not automatically extend any deadlines imposed by the Code of Civil Procedure for
18 noticing and filing discovery motions. Ideally, the parties should participate in an IDC before a
19 motion is filed because the IDC may avoid the necessity of a motion or reduce its scope. Because
20 of that possibility, attorneys are encouraged to stipulate to extend the 45 (or 60) day deadline for
21 filing a motion to compel further discovery responses in order to allow time to participate in an
22 IDC.

23 If parties do not stipulate to extend the deadlines, the moving party may file the motion
24 to avoid it being deemed untimely. However, the IDC must take place before the motion is
25 heard so it is suggested that the moving party reserve a date for the motion hearing that is at least
26 60 days after the date when the IDC reservation is made. Motions to Compel Further Discovery
27 Responses are heard at 10:00 a.m. If the IDC is not productive, the moving party may advance
28 the hearing on a Motion to Compel Further Discovery Responses on any available hearing date

1 that complies with the notice requirements of the Code of Civil Procedure.

2 14. Parties must reserve IDC dates in the PI Courts using CRS, which is available online at
3 www.lacourt.org (link on homepage). Parties must meet and confer regarding the available dates
4 in CRS prior to accessing the system. After reserving the IDC date, the reservation requestor
5 must file and serve an Informal Discovery Conference Form for Personal Injury Courts (form
6 LACIV 239) at least 15 court days prior to the conference and attach the CRS reservation receipt
7 as the last page. The opposing party may file and serve a responsive IDC form, briefly setting
8 forth that party's response, at least ten court days prior to the IDC.

9 15. Time permitting, the PI Hub judges may be available to participate in IDCs to try to
10 resolve other types of discovery disputes.

11 **EX PARTE APPLICATIONS**

12 16. Under the California Rules of Court, courts may only grant *ex parte* relief upon a
13 showing, by admissible evidence, that the moving party will suffer "irreparable harm,"
14 "immediate danger," or where the moving party identifies "a statutory basis for granting relief
15 *ex parte*" (C.R.C. Rule 3.1202(c)). The PI Courts have no capacity to hear multiple *ex parte*
16 applications or to shorten time to add hearings to their fully booked motion calendars. The PI
17 Courts do not regard the Court's unavailability for timely motion hearings as an "immediate
18 danger" or threat of "irreparable harm" justifying *ex parte* relief. Instead of seeking *ex parte*
19 relief, the moving party should reserve the earliest available motion hearing date (even if it is
20 after the scheduled trial date) and file a motion to continue trial. Parties should also check
21 CRS from time to time because earlier hearing dates may become available as cases settle or
22 hearings are taken off calendar.

23 **REQUEST FOR TRANSFER TO INDEPENDENT CALENDAR DEPARTMENT**

24 17. Parties seeking to transfer a case from a PI Court to an Independent Calendar ("IC")
25 Court shall file and serve the Court's "Motion/Opposition/Stipulation to Transfer Complicated
26 Personal Injury Case to Independent Calendar Court" (form LACIV 238, available on the Court's
27 website under the PI Courts link). The PI Courts will transfer a matter to an IC Court if the case
28 is not a "Personal Injury" case as defined in this Order, or if it is "complicated." In determining

2020-SJ-002-00

whether a personal injury case is "complicated" the PI Courts will consider, among other things, the number of pretrial hearings or the complexity of issues presented.

18. Parties opposing a motion to transfer have five court days to file an Opposition (using the same LACIV 238 Motion to Transfer form).

19. The PI Courts will not conduct a hearing on any Motion to Transfer to IC Court. Although the parties may stipulate to transfer a case to an Independent Calendar Department, the PI Courts will make an independent determination whether to transfer the case or not.

FINAL STATUS CONFERENCE

20. Parties shall comply with the requirements of the PI Courts' operative Standing Order Re Final Status Conference, which shall be served with the summons and complaint.

JURY FEES

21. Parties must pay jury fees no later than 365 calendar days after the filing of the initial complaint (C. C. P. § 631, subd. (c)(2)).

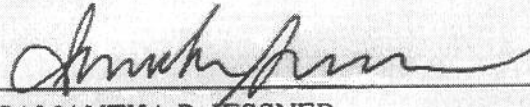
JURY TRIALS

22. The PI Courts do not conduct jury trials. On the trial date, a PI Court will contact the Master Calendar Court, Department One, in the Stanley Mosk Courthouse. Department One will assign cases for trial to dedicated Civil Trial Courtrooms and designated Criminal Courtrooms.

SANCTIONS

23. The Court has discretion to impose sanctions for any violation of this general order (C.C.P. §§ 128.7, 187 and Gov. Code, § 68608, subd. (b)).

Dated: Feb. 24, 2020


SAMANTHA P. JESSNER
Supervising Judge of Civil Courts



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control** (with the parties): Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial:** ADR does not provide a public trial or a decision by a judge or jury.

Main Types of ADR

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to Arrange Mediation in Los Angeles County

Mediation for **civil cases** is voluntary and parties may select any mediator they wish. Options include:

a. **The Civil Mediation Vendor Resource List**

If all parties in an active civil case agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Case Manager Elizabeth Sanchez, elizabeth@adrservices.com (949) 863-9800
- **JAMS, Inc.** Assistant Manager Reggie Joseph, RJoseph@jamsadr.com (310) 309-6209
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org (833) 476-9145

These organizations cannot accept every case and they may decline cases at their discretion. They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at www.lacourt.org/ADR.Res.List

NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate or small claims cases.

b. **Los Angeles County Dispute Resolution Programs**

<https://hrc.lacounty.gov/wp-content/uploads/2020/05/DRP-Fact-Sheet-23October19-Current-as-of-October-2019-1.pdf>

Day of trial mediation programs have been paused until further notice.

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case.

c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>


4. Mandatory Settlement Conferences (MSC): MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/C10047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/C10109.aspx>
For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

FILED
Superior Court of California
County of Los Angeles

2021-SJ-008-00

JUN 23 2021

Sherril R. Carter, Executive Clerk
By:  r/Clerk
Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

IN RE PERSONAL INJURY CASES) SIXTH AMENDED STANDING ORDER
ASSIGNED TO PERSONAL INJURY) RE: MANDATORY SETTLEMENT
COURTROOMS AT THE SPRING STREET) CONFERENCE
COURTHOUSE) (Effective June 21, 2021)

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

Pursuant to California Code of Civil Procedure, the California Rules of Court and the Los Angeles Court Rules, the Los Angeles Superior Court (Court) HEREBY AMENDS AND SUPERSEDES THE FEBRUARY 24, 2020 FIFTH AMENDED STANDING ORDER, AND THE COURT HEREBY ISSUES THE FOLLOWING SIXTH AMENDED STANDING ORDER:

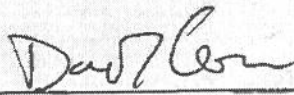
The Court orders the parties to participate in a virtual Mandatory Settlement Conference (MSC) supervised by a judge and staffed by volunteer attorneys who have significant experience in handling these types of cases and are members of the American Board of Trial Advocates, the Association of Southern California Defense Counsel, the Consumer Attorneys Association of Los Angeles, and or the Beverly Hills Bar Association, and have continuing professional interest as officers of the court in its successful operation.

1. Plaintiff's counsel shall within two (2) court days of the Court's Order of an MSC access the ResolveLawLA website at www.resolvelawla.com to create an account and register the case for MSC. Plaintiff's counsel must coordinate with defense counsel and select a mutually agreed upon date and time for the MSC prior to the trial date. Plaintiff's counsel shall also provide the name, email address, and phone number for defense counsel when registering the case for an MSC.

2. A mandatory settlement conference statement shall be lodged by each party with the ResolveLawLA website and served on all parties not less than five (5) court days before the scheduled MSC. The settlement conference statement shall be limited to five (5) pages on the MSC Brief and ten (10) pages for exhibits. ResolveLawLA MSCs are available at 9 a.m. and 1:30 p.m. Monday through Friday, excluding court holidays, and are conducted via Zoom.
3. Pursuant to California Rules of Court, Rule 3.1380(b) and Los Angeles Superior Court Rule 3.25(d), trial counsel, the parties and persons with full authority to settle the case (including insurance company representatives) must attend virtually via the website unless a judge has excused the virtual appearance for good cause. Once defense counsel is notified that the matter has been scheduled for a remote MSC, defense counsel shall create their own login to the resolvelawla.com system, and shall list all parties, party representatives and insurance adjusters' names, phone numbers, and emails where indicated. In the event the MSC needs to be canceled, it must be canceled through the ResolveLawLA system.
4. If the case settles prior to the scheduled MSC, Plaintiff's counsel shall forthwith notify the courtroom to which the case is assigned of such settlement. The parties should also document their settlement agreement in a writing signed by all parties. Upon receiving notification, the ResolveLawLA system will send notifications via text and/or email and will include a Zoom link for counsel, the parties, and insurance representatives to join the remote MSC.
5. The Court has the discretion to require any party and/or counsel who fails or refuses to comply with this order, to show cause why the Court should not impose monetary sanctions.

IT IS SO ORDERED.

Dated: 6/23/21


Judge David J. Cowan
Supervising Judge, Civil Division

FILED
Superior Court of California
County of Los Angeles

2021-SJ-018-00

OCT 08 2021

Sherri R. Carter, Executive Officer/Clerk
By  Deputy
Loraine Albino

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

In re Personal Injury Cases Assigned to the Personal Injury Courts at the Spring Street Courthouse)
SECOND AMENDED SUPPLEMENTAL
STANDING ORDER RE COVID
PROTECTIVE MEASURES RELATED TO
FINAL STATUS CONFERENCES IN
PERSONAL INJURY CASES AT THE
SPRING STREET COURTHOUSE
)

In an effort to reduce the number of in-person appearances in the Personal Injury ("PI") courtrooms located in the Spring Street courthouse and to prevent the transmission of the COVID-19 virus, the court hereby issues this supplemental order to the Third Amended Standing Order re: Final Status Conference Personal Injury Courts dated February 24, 2020 ("Operative PI FSC Order").

1. ELECTRONIC TRIAL BINDERS

As set forth in the Operative PI FSC Order, parties/counsel must file and serve Trial Readiness Documents at least five calendar days prior to the FSC. Instead of providing the court that will be conducting the FSC with the trial binders as described in the Operative PI FSC Order and appearing in person, parties/counsel are ordered to provide the trial binders in electronic form. This will allow parties and attorneys to appear remotely for the final status conference and provide the court with the opportunity to review the trial binders to determine whether the parties/counsel are ready for trial. Hard copies of the binders prepared in accordance with the Operative PI FSC Order will continue to be required for the trial courtroom.

///

2. **REQUIREMENTS OF ELECTRONIC TRIAL BINDERS**

At least two court days before the FSC, parties/counsel must submit via email a joint electronic trial binder to the courtroom conducting the FSC as follows:

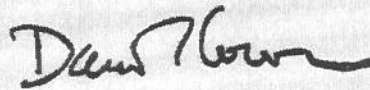
- a. The parties/counsel must submit in one PDF the joint statement of the case, joint witness list, joint list of jury instructions, full-text joint and contested jury instructions, joint and/or contested verdict form(s), joint exhibit list, and joint deposition designation chart as listed in paragraph 4 of the Operative PI FSC Order.
- b. The trial briefs and motions in limine, oppositions, and replies, if any, must be submitted in a separate PDF.
- c. The PDFs must be text searchable.
- d. The PDFs must be bookmarked which is essentially an electronic tab so that the FSC judge can easily find and navigate among the trial documents.
(See <https://helpx.adobe.com/acrobat/using/page-thumbnails-bookmarks-pdfs.html> and/or <https://support.microsoft.com/en-us/office/> for bookmarking instructions).
- e. The PDFs must be emailed to the applicable email address listed below:
Department 27 at sscdept27FSC@LACourt.org
Department 28 at sscdept28FSC@LACourt.org
Department 29 at sscdept29FSC@LACourt.org
Department 30 at sscdept30FSC@LACourt.org
Department 31 at sscdept31FSC@LACourt.org
Department 32 at sscdept32FSC@LACourt.org
- f. The subject line in the email must include identifying case information as follows:
[Insert Case Number] Trial Readiness Binder, FSC, [Insert MM/DD/YEAR of Hearing Date] (e.g. 19STCV00001 Trial Readiness Binder, FSC 01/11/2021).

- 1 g. Each email should have two PDFs attached – one containing the Trial
2 Readiness documents and the other containing the trial briefs and motions in
3 limine, if applicable.
4 h. The parties need not submit the evidentiary exhibit binders at the FSC.
5 However, the parties shall prepare the exhibit binders as required in paragraph
6 5 of the Operative PI FSC Order and be prepared to represent to the court that
7 they have been properly prepared. Hard copies of the exhibit binders will be
8 required for trial.

9 **3. FAILURE TO COMPLY WITH FSC OBLIGATIONS**

10 The court has discretion to require any party/counsel who fails or refuses to comply
11 with this Supplemental Standing Order to show cause why the Court should not impose
12 monetary, evidentiary and/or issue sanctions (including the entry of a default or the striking
13 of an answer). In addition, failure to timely and fully comply with this order may result in the
14 case not being assigned a trial courtroom by Dept. 1.

15
16
17 Dated: 10/8/2021



David J. Cowan
Supervising Judge, Civil
Los Angeles Superior Court

EXHIBIT B

**Service of Process Transmittal Summary**

TO: Laura Aznavoorian, Litigation Supervisor
Gallagher Bassett Services, Inc.
1901 S. Meyers Rd, Suite 200C
Oakbrook Terrace, IL 60181

RE: Process Served in California

FOR: Costco Wholesale Corporation (Domestic State: WA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: Cecilia Lopez // To: Costco Wholesale Corporation

CASE #: 22STCV14147

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

PROCESS SERVED ON: C T Corporation System, GLENDALE, CA

DATE/METHOD OF SERVICE: By Process Server on 05/09/2022 at 01:29

JURISDICTION SERVED: California

ACTION ITEMS: CT has retained the current log, Retain Date: 05/10/2022, Expected Purge Date: 05/25/2022

Image SOP

Email Notification, Laura Aznavoorian laura_aznavoorian@gbtpa.com

Email Notification, Zois Johnston zjohnston@costco.com

Email Notification, Maureen Papier maureen_papier@gbtpa.com

REGISTERED AGENT CONTACT: C T Corporation System
330 N BRAND BLVD
STE 700
GLENDALE, CA 91203
866-665-5799
SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

EXHIBIT C

Eugene J. Egan (State Bar No. 130108)
eje@manningllp.com

Joseph Gordon (State Bar No. 314564)
jag@manningllp.com

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

801 S. Figueroa St, 15th Floor
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Attorneys for Defendants COSTCO
WHOLESALE CORPORATION and THAD
KLESZCZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

CECILIA LOPEZ,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,
THAD KLESZCZ, and DOES 1 through 50
inclusive,

Defendants.

Case No. 22STCV14147

**DEFENDANTS COSTCO WHOLESALE
CORPORATION AND THAD
KLESZCZS' ANSWER TO COMPLAINT
FOR NEGLIGENCE AND WILLFUL
FAILURE TO WARN; DEMAND FOR
JURY TRIAL**

Pursuant to Sections 431.10, *et seq.*, of the California Code of Civil Procedure, Defendants COSTCO WHOLESALE CORPORATION and THAD KLESZCZ ("Defendants") answer the Complaint of Plaintiff CECILIA LOPEZ ("Plaintiff"). Defendants deny, both generally and specifically, each and every allegation of the Complaint and denies that Plaintiff is entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

Defendants plead the following separate defenses. Defendants reserve the right to assert additional affirmative defenses that discovery indicates are proper.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1 1. As a separate and first affirmative defense to the Complaint, and to the purported
2 causes of action set forth therein, Defendants allege that the Complaint fails to state facts sufficient
3 to constitute a cause of action.

4 **SECOND AFFIRMATIVE DEFENSE**

5 **(Assumption of Risk)**

6 2. As a separate and second affirmative defense to the Complaint and each purported
7 cause of action contained therein, Defendants allege that Plaintiff, and/or the persons and/or
8 entities acting on Plaintiff's behalf, assumed the risk of all conduct of the Plaintiff or her agents.

9 **THIRD AFFIRMATIVE DEFENSE**

10 **(Comparative Fault)**

11 3. As a separate and third affirmative defense to the Complaint and each purported
12 cause of action contained therein, Defendants allege that Plaintiff's damages, if any, were caused
13 by the primary negligence and/or acquiescence in the acts and omissions alleged in the Complaint
14 by the Plaintiff, and Plaintiff's agents, employees, representatives, relatives, heirs, assigns,
15 attorneys, and/or any others acting on Plaintiff's behalf. By reason thereof, Plaintiff is not entitled
16 to damages or any other relief whatsoever as against Defendants.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 **(Failure to Mitigate)**

19 4. As a separate and fourth affirmative defense to the Complaint and each purported
20 cause of action contained therein, Defendants allege that Plaintiff's claims, if any, are barred for
21 her failure, and/or the failure of the persons and/or entities acting on her behalf, to mitigate any
22 purported damages.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 **(Intervening and Superseding Cause)**

25 5. As a separate and fifth affirmative defense to the Complaint and each purported
26 cause of action contained therein, Defendants allege that if Plaintiff suffered or sustained any loss,
27 damage or injury as alleged in the Complaint, such loss, damage or injury was legally caused or
28 contributed to by the negligence or wrongful conduct of other parties, persons or entities, and that

1 their negligence or wrongful conduct was an intervening and superseding cause of the loss,
2 damage or injury of which Plaintiff complains.

3 **SIXTH AFFIRMATIVE DEFENSE**

4 **(Laches)**

5 6. As a separate and sixth affirmative defense to the Complaint and each purported
6 cause of action contained therein, Defendants allege that Plaintiff is barred in whole or in part
7 from prosecuting the purported causes of action set forth in the Complaint by the doctrine of
8 laches.

9 **SEVENTH AFFIRMATIVE DEFENSE**

10 **(No Injury or Damage)**

11 7. As a separate and seventh affirmative defense to the Complaint and each purported
12 cause of action contained therein, Defendants allege that Plaintiff has not been injured or damaged
13 as a proximate result of any act or omission for which Defendants are responsible.

14 **EIGHTH AFFIRMATIVE DEFENSE**

15 **(No Malicious Intent)**

16 8. As a separate and eighth affirmative defense to the Complaint and each purported
17 cause of action contained therein, Defendants allege that Defendants did not act with malicious
18 intent to cause any injury and therefore are not liable.

19 **NINTH AFFIRMATIVE DEFENSE**

20 **(Proximate Cause – Plaintiff)**

21 9. As a separate and ninth affirmative defense to the Complaint and each purported
22 cause of action contained therein, Defendants allege that the injuries and damages alleged in the
23 Complaint by Plaintiff occurred, were proximately caused by and/or were contributed to by
24 Plaintiff's own acts or failures to act and that Plaintiff's recovery, if any, should be reduced by an
25 amount proportionate to the amount by which said acts caused or contributed to said alleged injury
26 or damages.

TENTH AFFIRMATIVE DEFENSE

(Proximate Cause – Other Persons)

10. As a separate and tenth affirmative defense to the Complaint and each purported cause of action contained therein, Defendants allege that the damages alleged to have been suffered by Plaintiff in the Complaint were proximately caused or contributed to by acts or failures to act of persons other than these answering Defendants, which acts or failures to act constitute an intervening and superseding cause of the damages alleged in the Complaint.

ELEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

11. As a separate and eleventh affirmative defense to the Complaint and each purported cause of action contained therein, Defendants allege that Plaintiff is barred in whole or in part from prosecuting the purported causes of action set forth in the Complaint by the doctrine of unclean hands.

TWELFTH AFFIRMATIVE DEFENSE

(Ongoing Investigation)

12. As a separate and twelfth affirmative defense to the Complaint and each purported cause of action contained therein, Defendants allege that they have not yet completed a thorough investigation or study or completed the discovery of all the facts and circumstances of the subject matter of the Complaint and, accordingly, reserve the right to amend, modify, revise or supplement their answer and to plead such other defenses and take such other further actions as they may deem proper and necessary in their defense upon completion of said investigation and/or study.

WHEREFORE, Defendants pray for relief as follows:

1. That the Complaint be dismissed, with prejudice and in its entirety;
2. That Plaintiff take nothing by reason of this Complaint and that judgment be entered against Plaintiff and in favor of Defendants;
3. That Defendants be awarded their costs incurred in defending this action;
4. That Defendants be granted such other and further relief as the Court may deem

1 just and proper.

2 DATED: June 8, 2022

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

3
4
5 By: /s/ Joseph Gordon
Joseph Gordon
6 Attorneys for Defendants COSTCO
7 WHOLESALE CORPORATION and THAD
KLESZCZ
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MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

DEMAND FOR JURY TRIAL

Defendants, COSTCO WHOLESALE CORPORATION and THAD KLESZCZ, hereby demand trial of this matter by jury.

DATED: June 8, 2022

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

By: /s/ Joseph Gordon
Joseph Gordon
Attorneys for Defendants COSTCO
WHOLESALE CORPORATION and THAD
KLESZCZ

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa St, 15th Floor, Los Angeles, CA 90017-3012.

On June 8, 2022, I served true copies of the following document(s) described as **DEFENDANTS COSTCO WHOLESALE CORPORATION AND THAD KLESZCZS' ANSWER TO COMPLAINT FOR NEGLIGENCE AND WILLFUL FAILURE TO WARN; DEMAND FOR JURY TRIAL** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Manning & Kass, Ellrod, Ramirez, Trester LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address apc@manningllp.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 8, 2022, at Los Angeles, California.



Arlene Cabang

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

SERVICE LIST

Alexander J. Zeesman, Esq.,
Accident Fighters, APC
11145 Tampa Ave., Suite 4B
Porter Ranch, CA 91326
Tel: (855) 646-4878
Email: contact@accidentfighters.com

Attorneys for Plaintiff,
Cecilia Lopez

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

EXHIBIT D

#52
LAW OFFICES OF
DAVID MAMANN
291 S. LA CIENEGA BLVD. STE. 214
BEVERLY HILLS, CA 90211
TEL. (310) 659-7171

DAVID MAMANN, ESQ.

FACSIMILE (310) 659-7799

February 2, 2021

UPDATED DEMAND

Gallagher Bassett Services, Inc.
P.O. Box 2934
Clinton, IA 52733-2934
ATTN: Erin Rodowick, Resolution Manager

Re: Our client(s) : CECILIA GONZALEZ LOPEZ
Date of Loss : 08-27-2020
Claim Number : 003632-589785-GB-01
Insured : Costco Wholesale Corporation

Dear Ms. Rodowick:

As my client has concluded her treatment and I have finally gathered together all of her medical bills and reports, I am forwarding them to you in hopes of reaching a prompt and fair settlement.

I have enclosed the following documentation relating to Ms. Lopez's treatment:

1. Copy of medical record from and itemized
Billing from Glendale Memorial Hosp.
Health Center \$4,186.00
2. Initial and final medical report from
Pacific Chiro Rehab Clinic and itemized
billing for medical services \$1,080.00
3. Initial and final medical report from
Moshe Wilker, M.D. and itemized
billing for medical services \$1,220.00
4. MRI reading and itemized billing from
Expert MRI \$3,390.00
5. Report and itemized billing from
Moshe Wilker, M.D. \$6,500.00
6. Report and itemized billing from
Custom Anesthesia Services \$2,700.00
7. Itemized billing from Brentwood
Ortho & Spine \$20,062.00

Erin Rodowick, Resolution Manager
Claim Number 003632-589785-GB-01
February 2, 2021
Page 2

8. Initial and final medical report from Los Angeles Occupational Health Clinic and itemized billing for medical services	\$5,010.00
TOTAL REFLECTED BILLING:	\$44,148.00
FUTURE MEDICAL TREATMENT	
1. Lumbar epidural injection	\$25,000.00
2. L3-S1 Disc decompression	\$100,000.00
ESTIMATED FUTURE BILLING:	\$125,000.00

As is obvious, my client was hurt in this Slip & Fall incident, and through no fault of her own.

My client had given me authority to settle her claim with you in a mutually agreeable amount, if such a result can be reached in a reasonable time. To that end, I am calendaring my file for fifteen (15) days in which to hear from you regarding settlement of this claim.

I look forward to your prompt response.

Respectfully,

David Mamann, Esq.
DM

EXHIBIT E

Alex Padilla
California Secretary of State

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Sunday, September 20, 2020. Please refer to document **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C1587907 COSTCO WHOLESALE CORPORATION

Registration Date:	06/05/1987
Jurisdiction:	WASHINGTON
Entity Type:	FOREIGN STOCK
Status:	ACTIVE
Agent for Service of Process:	<u>C T CORPORATION SYSTEM (C0168406)</u> To find the most current California registered Corporate Agent for Service of Process address and authorized employee(s) information, click the link above and then select the most current 1505 Certificate.
Entity Address:	999 LAKE DRIVE ISSAQUAH WA 98027
Entity Mailing Address:	P.O. BOX 35005 SEATTLE WA 98124

 **Certificate of Status**

A Statement of Information is due EVERY year beginning five months before and through the end of June.

Document Type	↕	File Date	↕	PDF
SI-NO CHANGE		06/02/2020		
PUBLICLY TRADED DISCLOSURE		01/24/2020		
SI-COMPLETE		06/27/2019		
PUBLICLY TRADED DISCLOSURE		12/28/2018		
PUBLICLY TRADED DISCLOSURE		01/22/2018		
PUBLICLY TRADED DISCLOSURE		01/13/2017		
PUBLICLY TRADED DISCLOSURE		01/11/2016		
PUBLICLY TRADED DISCLOSURE		01/12/2015		

Document Type	File Date	PDF
PUBLICLY TRADED DISCLOSURE	01/16/2014	
PUBLICLY TRADED DISCLOSURE	01/17/2013	
PUBLICLY TRADED DISCLOSURE	01/24/2012	
PUBLICLY TRADED DISCLOSURE	01/21/2011	
PUBLICLY TRADED DISCLOSURE	01/22/2009	
PUBLICLY TRADED DISCLOSURE	01/09/2008	
PUBLICLY TRADED DISCLOSURE	01/16/2007	
PUBLICLY TRADED DISCLOSURE	01/26/2006	
PUBLICLY TRADED DISCLOSURE	06/29/2004	
PUBLICLY TRADED DISCLOSURE	09/11/2003	Image unavailable. Please request paper copy.
AMENDED REGISTRATION	01/22/1988	
REGISTRATION	06/05/1987	

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code **section 2114** for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to **Name Availability**.
- If the image is not available online, for information on ordering a copy refer to **Information Requests**.
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Frequently Asked Questions**.

[Modify Search](#)[New Search](#)[Back to Search Results](#)

EXHIBIT F

DEMAND FOR JURY TRIAL

Defendants, COSTCO WHOLESALE CORPORATION and THAD KLESZCZ, hereby demand trial of this matter by jury.

DATED: June 8, 2022

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

By: /s/ Joseph Gordon
Joseph Gordon
Attorneys for Defendants COSTCO
WHOLESALE CORPORATION and THAD
KLESZCZ

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa St, 15th Floor, Los Angeles, CA 90017-3012.

On June 9, 2022, I served true copies of the following document(s) described as **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(B) (DIVERSITY): DECLARATION OF JOSEPH A. GORDON** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Manning & Kass, Ellrod, Ramirez, Trester LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address apc@manningllp.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 9, 2022, at Los Angeles, California.



Arlene Cabang

SERVICE LIST

Alexander J. Zeesman, Esq.,
Accident Fighters, APC
11145 Tampa Ave., Suite 4B
Porter Ranch, CA 91326
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Email: contact@accidentfighters.com

Attorneys for Plaintiff,
Cecilia Lopez

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